

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

BRANCH BANKING AND TRUST COMPANY)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 3:10CV055
)	
CARL WITMEYER II)	
)	
Defendant)	
-----)	
CARL WITMEYER II)	
)	
Counterclaim Plaintiff)	
)	
v.)	
)	
BRANCH BANKING AND TRUST COMPANY)	
)	
Counterclaim Defendant)	
_____)	

BRANCH BANKING AND TRUST COMPANY'S
MOTION FOR SUMMARY JUDGMENT

COMES NOW, Branch Banking and Trust Company (hereinafter "BB&T"), by Counsel, pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rule 56, and moves for summary judgment on its complaint and for summary judgment dismissing the counterclaim, for the reasons set forth in the accompanying memorandum of law.

Branch Banking and Trust Company
By Counsel

FIORE & LEVINE, PLLC
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Arlington, Virginia 22207
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By: /s/ Daniel S. Fiore
Daniel S. Fiore, Esquire
Virginia Bar No. 020774
*Counsel for Branch Banking
and Trust Company*

REQUEST FOR HEARING

I hereby request a hearing to present my oral arguments in support of this motion.

/s/ Daniel S. Fiore
Daniel S. Fiore, Esquire

CERTIFICATE OF SERVICE

I hereby certify that Branch Banking and Trust Company's Motion for Summary Judgment, was served via first-class mail, postage prepaid, and electronically using the Court's CM/ECF system upon David D. Hopper, Esquire, COOK, HEYWARD, LEE, HOPPER & FEEHAN, P.C., Counsel for Defendant, 4551 Cox Road, Suite 210, P.O. Box 3059, Glen Allen, Virginia 23058-3059, this 13th day of September 2010.

/s/ Daniel S. Fiore
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